

219176

April 26, 2007

Via Hand Delivery

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-00001

RE STB Finance Docket No. 35020 *Northern and Bergen Railroad L.L.C. Acquisition
Exemption A Line of Railroad Owned by New York & Greenwood Lake Railway*

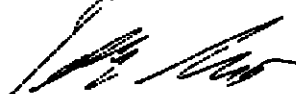
Dear Secretary Williams,

Enclosed please find the original and ten (10) copies of the Verified Notice of Exemption of Northern and Bergen Railroad, L.L.C. for filing in the above referenced docket. A check in the amount of \$1,600.00, made payable to the Secretary, Surface Transportation Board, is also enclosed to cover the related filing fee. As a courtesy, electronic copies of this filing in Microsoft Word and Adobe Acrobat are contained on the enclosed diskette.

One additional copy of this filing is enclosed for stamping and return to our offices.

Should you have any questions regarding the foregoing, please do not hesitate to contact me.

Sincerely,



Jeffrey O. Moreno
Counsel for Northern and Bergen Railroad L.L.C.

FILED

APR 26 2007

**SURFACE
TRANSPORTATION BOARD**

FEE RECEIVED

APR 26 2007

**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings

APR 26 2007

Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

219176

APR 26 2007
MANAGEMENT

FINANCE DOCKET NO. 35020

**NORTHERN AND BERGEN RAILROAD, L.L.C.
—ACQUISITION EXEMPTION—
A LINE OF RAILROAD OWNED BY NEW YORK & GREENWOOD LAKE RAILWAY**

**VERIFIED NOTICE OF EXEMPTION
OF NORTHERN AND BERGEN RAILROAD, L.L.C.
PURSUANT TO 49 C.F.R. § 1150.31**

FEE RECEIVED

APR 26 2007

**SURFACE
TRANSPORTATION BOARD**

FILED

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**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings

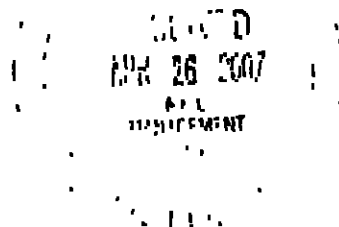
APR 26 2007

Part of
Public Record

Jeffrey O. Moreno
Laurence W. Prange
Thompson Hine LLP
1920 N Street, N.W., Suite 800
Washington, D.C. 20036-1600
(202) 331-8800

*Attorneys for Northern and Bergen Railroad
LLC*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



FINANCE DOCKET NO. 35020

**NORTHERN AND BERGEN RAILROAD, L.L.C.
—ACQUISITION EXEMPTION—
A LINE OF RAILROAD OWNED BY NEW YORK & GREENWOOD LAKE RAILWAY**

**VERIFIED NOTICE OF EXEMPTION
NORTHERN AND BERGEN RAILROAD, L.L.C.
PURSUANT TO 49 C.F.R. § 1150.31**

Northern & Bergen Railroad, L.L.C. ("NBR"), a non railroad, hereby files this Verified Notice of Exemption, pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1150.31, in order that NBR may acquire a line of railroad from the New York & Greenwood Lake Railway ("NYGLR"), as more fully described below

a. Applicant's full name and address:

The full name and address of the applicant, a non-carrier, is as follows

Northern & Bergen Railroad, L.L.C.
411 Hackensack Avenue, 10th Floor
Hackensack, NJ 07601

b. Name, address, and telephone number of Applicant's representative:

Applicant's representative, to whom all communications regarding the transaction may be directed, is:

Jeffrey O. Moreno, Esq.
Thompson Hine LLP
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036-1600
(202) 331-8800

c. Agreement:

Applicant expects to enter into a formal Purchase and Sales Agreement with the New York & Greenwood Lake Railway prior to May 31, 2007.

d. Operator of the property:

NBR will provide common carrier rail service over the lines to be acquired from NYGLR

e. Brief summary of the proposed transaction.

1. The name and address of the entity transferring the property:

New York & Greenwood Lake Railway
Eric Railroad Station
P O. Box 106
Glen Ridge, NJ 07028

2. Proposed time schedule for consummation of the transaction:

NBR intends to consummate the transaction on or before May 31, 2007, but in no event sooner than 30 days after filing this Notice of Exemption with the Board.

3. Milepost designations of the subject property:

The subject rail line extends from Milepost 0.0, at or near the connection with the track of the Norfolk Southern Railway Company in the Borough of Garfield, Bergen County, New Jersey, and continues to Milepost 1.1, at or near the intersection of South and Fourth Streets in the City of Passaic, Passaic County, New Jersey

4. The total route miles being acquired:

NBR will acquire 1.1 total route miles

f. Map:

A map of the subject line is attached as Exhibit A to this Notice.

g. Projected revenue certification:

NBR hereby certifies that its projected revenues as a result of the transaction will not exceed the amounts that would qualify it as a Class III railroad.

h. Environmental and Historical certification:

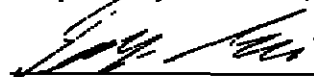
Pursuant to 49 C F R § 1105.6(c)(2)(i), the proposed transaction is exempt from environmental review because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 49 C F R. § 1105.7(e)(4) or (5).

Furthermore, this transaction is exempt from historic review under 49 C.F.R. § 1105.8(b)(1). Under this section, a sale, lease or transfer of a rail line is exempt if rail operations will continue over the line. Further Board approval is required for any of the parties to this transaction to abandon service, and there are no plans to dispose of or alter the properties subject to Board jurisdiction that are 50 years old or older.

i. Caption Summary

A caption summary in the prescribed form is attached as Exhibit B to this Notice.

Respectfully submitted,



Jeffrey O. Moreno
Laurence W. Prange
Thompson Hine LLP
1920 N Street, N.W., Suite 800
Washington, D.C. 20036-1600
(202) 331-8800

Attorneys for Northern and Bergen Railroad, L L C

VERIFICATION

I, Raymond Toscano, Member of Northern & Bergen Railroad LLC, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Verified Notice of Exemption and that its statements are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Northern & Bergen Railroad LLC. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. § 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. § 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at _____ County, New Jersey, this 25 day of April, 2007.

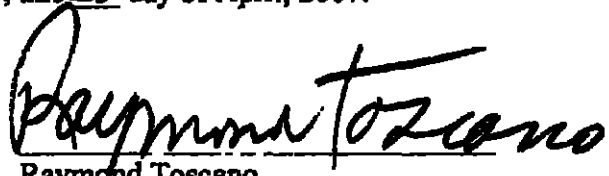

Raymond Toscano

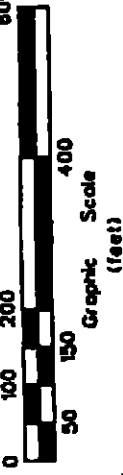
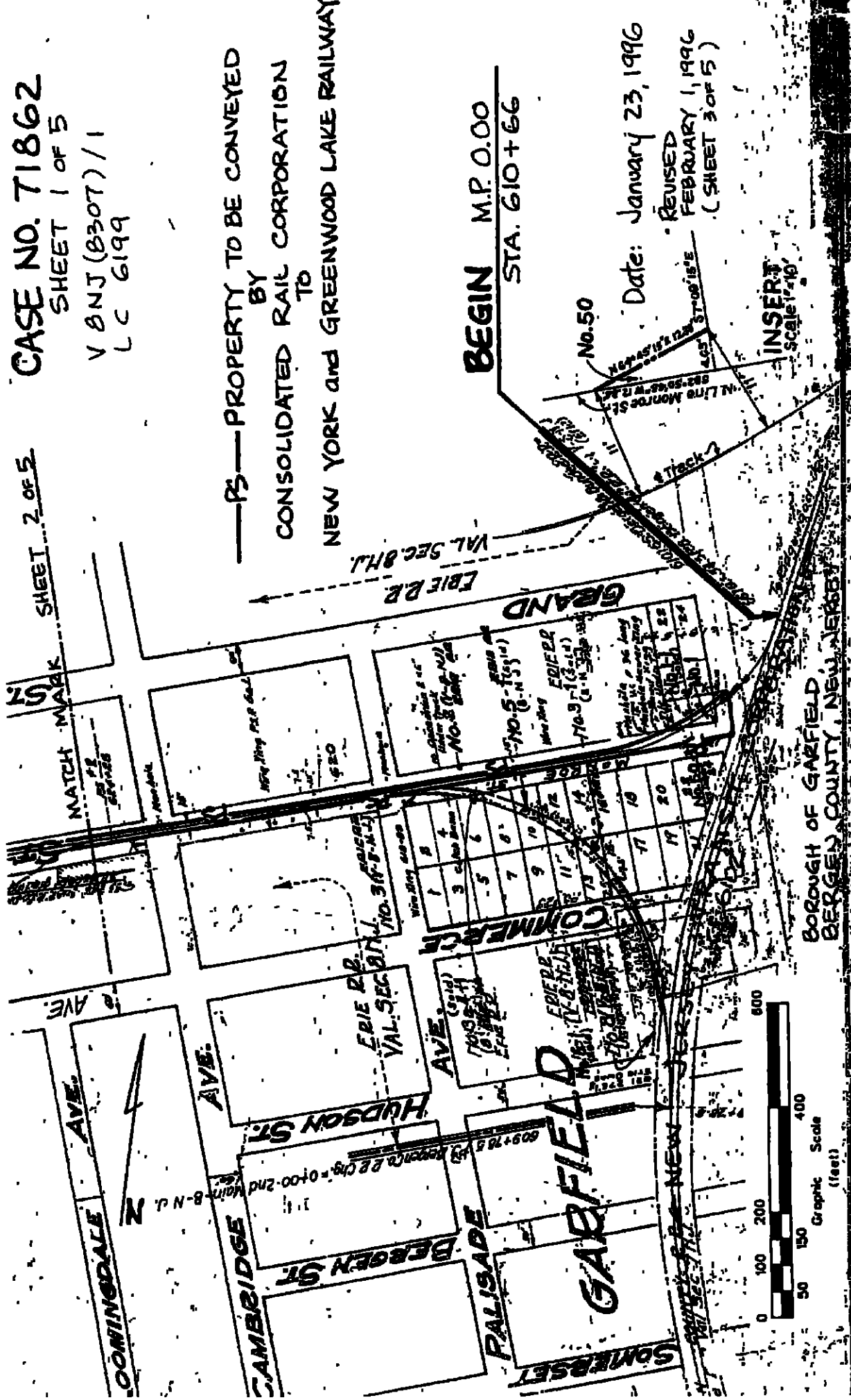
EXHIBIT A

MAP

—PS— PROPERTY TO BE CONVEYED
BY
CONSOLIDATED RAIL CORPORATION
TO
NEW YORK AND GREENWOOD LAKE RAILWAY

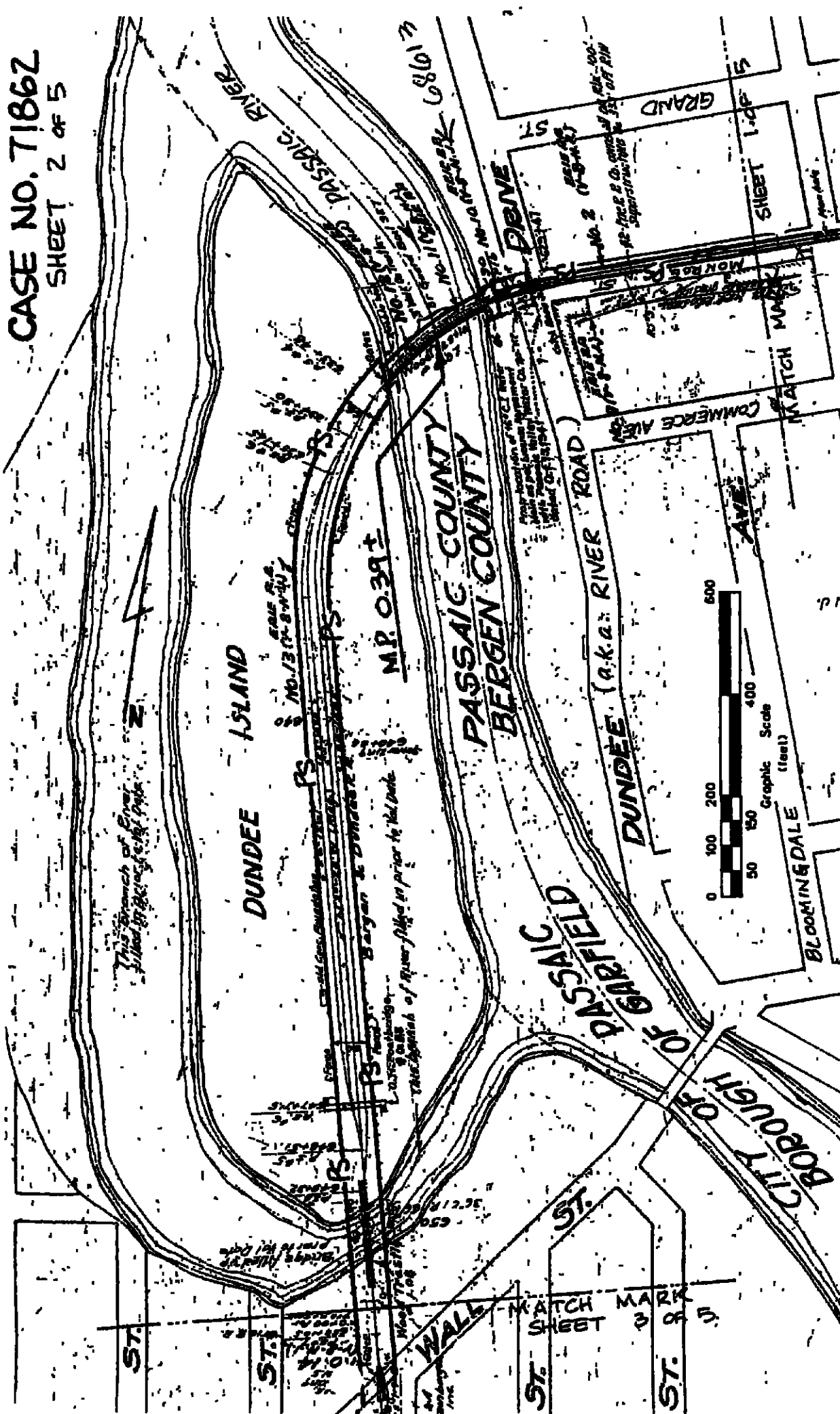
BEGIN M.P. 0.00
STA. 610+66

Date: January 23, 1996
REVISED
FEBRUARY 1, 1996
(SHEET 3 OF 5)



BOROUGH OF GARFIELD
BERGEN COUNTY, NEW JERSEY

INSERT
Scale 1"=10'



REVISED 2/1/96

SEE SHEET 4 OF 5
FOR DETAIL
OF THIS AREA

PASSAIC RIVER

SOUTH ST.

FOURTH

FIFTH

SEVENTH

PASSAIC ST.

ST.

MARK SHEET 2 OF 5

WALL

Enterhouse
Manufacturing Co.

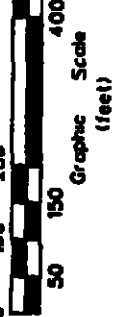
U.S. RUBBER CO.

U.S. RUBBER CO.

SECOND

THIRD

CITY OF PASSAIC
PASSAIC COUNTY
N.J.



MARK SHEET 5 OF 5

CON
JUL
T.R.C.

Wm King 672-90 P.S.A.P.
672-63 A.R.R.
672-66 A.S.K.
672-13 P.S.R.
672-22 P.S.C.

NO. 40 (19-5-5)

24' Remf. Conc. Sanitary Sewer

NO. 40 (19-5-5)

NO. 40 (19-5-5)

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NO. 40 (19-5-5)

END MP-1

CASE NO. 71862
SHEET 4 OF 5

SEE SHEET 3 OF 5

CANAL ST

No 49
No 37
No 37 & 47
No 47

FIRST ST

No 31

No 45

MARKET ST (FORMER SECOND ST)

SOUTH ST

No 51

THIRD ST

PATERSON PAPER CO USE 364 77
J L PERSCOTT CO 250'
GENERAL CHEMICAL CO 601's

No 26
PATERSON PAPER CO
USE 364 77

PATERSON PAPER CO

J L PERSCOTT CO

No 25
USE 364 77

USE 364 77

USE 364 77

USE 364 77

USE 364 77

USE 364 77

USE 364 77

USE 364 77

FOURTH ST

USE 364 77
USE 364 77
USE 364 77

USE 364 77

USE 364 77

USE 364 77

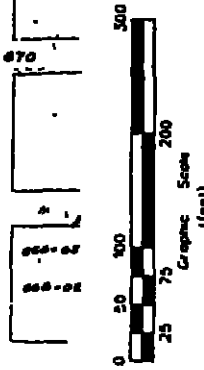
USE 364 77

USE 364 77

MATCH MARK

FIFTH ST

SHEET 3 OF 5



CITY OF PASSAIC, PASSAIC CO, NEW JERSEY

Finishing Room

Tuna House

EXHIBIT B

CAPTION SUMMARY

CAPTION SUMMARY

FINANCE DOCKET NO. 35020

**NORTHERN AND BERGEN RAILROAD, L.L.C.
—ACQUISITION EXEMPTION—
A LINE OF RAILROAD OWNED BY NEW YORK & GREENWOOD LAKE RAILWAY**

Northern and Bergen Railroad L.L.C. ("NBR"), a non-carrier, has filed a Verified Notice of Exemption to acquire a 1.1 mile railroad line from the New York & Greenwood Lake Railway beginning at Milepost 0.0, at or near the connection with the track of the Norfolk Southern Railway Company in the Borough of Garfield, Bergen County, New Jersey, and continuing to the end of the line at Milepost 1.1, at or near the intersection of South and Fourth Streets in the City of Passaic, Passaic County, New Jersey. Comments must be filed with the Board and served on Jeffrey O. Moreno, Esq., Thompson Hine LLP, 1920 N Street, N.W., Suite 800, Washington, D.C. 20036 (tel. 202-331-8800). The Verified Notice of Exemption is filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1150.31. If the Notice contains false or misleading information, then the exemption is void *ab initio*. Petitions to revoke the exemption, pursuant to 49 U.S.C. § 10502(d), may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.